

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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JAMES KENNEHT MIZE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No.: 2:14-cv-01179-RFB-VCF

**ORDER ACCEPTING REPORT &
RECOMMENDATION OF MAGISTRATE
JUDGE**

Before the Court for consideration is the Amended Report and Recommendation (ECF No. 4) of the Honorable Cam Ferenbach, United States Magistrate Judge, entered July 29, 2014.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct

1 “any review,” *de novo* or otherwise, of the report and recommendations of a magistrate judge.
2 Thomas v. Arn, 474 U.S. 140, 149 (1985).

3 Pursuant to Local Rule IB 3-2(a), objections were due by August 15, 2014. No objections
4 have been filed. The Court has reviewed the record in this case and concurs with Magistrate
5 Judge’s recommendation(s) that (ECF No. 4) recommending that Petitioner’s (ECF No. 1)
6 Motion/Application for Leave to Proceed in Forma Pauperis be **DENIED** and Petitioner’s (ECF
7 No. 2) Motion for Waiver of the Filing Fee be **DENIED**.

8 **FURTHER RECOMMENDING** that James Kenneth Mize be **BARRED** from
9 commencing actions in this court, at permitted by 28 U.S.C. § 1915(g).

10 Therefore, the Court has determined that Magistrate Judge’s Recommendation should be
11 **ACCEPTED** and **ADOPTED** to the extent that it is not inconsistent with this opinion.

12 **IT IS THEREFORE ORDERED** that the Amended Report and Recommendation (ECF
13 No. 4) is **ACCEPTED and ADOPTED in full**. (ECF No. 4) Petitioner’s (ECF No. 1)
14 MOTION/APPLICATION for Leave to Proceed in Forma Pauperis be **DENIED** and Petitioner’s
15 (ECF No. 2) MOTION for Waiver of the Filing Fee be **DENIED** and that James Kenneth Mize
16 be **BARRED** from commencing actions in this court, as permitted by 28 U.S.C. § 1915(g), unless
17 he has permission from this court to proceed.

18 **The Clerk shall enter judgment accordingly and close case.**

19 **DATED** this 29th day of January, 2015.

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RICHARD F. BOULWARE, II.
United States District Court Judge